

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 NICOLE ALLAN,

Case No. 2:17-cv-03130-JAD-PAL

8 Plaintiff,

ORDER

9 v.

(Mot in Limine – ECF No. 31)

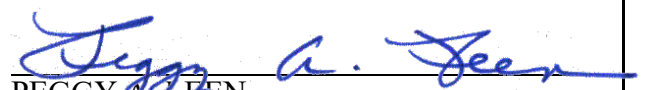
10 ALBERTSON'S LLC,

11 Defendant.

12 Before the court is defendant Albertson's LLC's Motion in Limine to Exclude Plaintiff's
13 Claim for Lost Wages and Future Medical Damages (ECF No. 31). Plaintiff filed a Non-
14 Opposition (ECF No. 36) to the motion stating that after thorough review of the motion she has
15 decided not to oppose it. The court construes the motion as a request for preclusion sanctions
16 under Fed. R. Civ. P. 37 for plaintiff's failure to disclose any evidence of lost wages and future
17 medical damages for which a damages computation was provided before the close of discovery.
18 Sanctions under Rule 37(c) for failure to disclose information required by Rule 26(a)(1) are
19 automatic and self-executing unless the non-disclosing party shows the failure to disclose was
20 substantially justified are harmless. Plaintiff concedes the motion should be granted. Accordingly,

21 **IT IS ORDERED** the motion is **GRANTED**, and plaintiff is precluded from introducing
22 evidence of any lost wages or future medical damages in motion practice, hearing or trial.

23 DATED this 8th day of November 2018.

24
25 
26 PEGGY A. JELEN
27 UNITED STATES MAGISTRATE JUDGE
28